

JEFFERSON COUNTY COMMISSIONERS  
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TOM LYTHGOE, CHAIR

DAVE KIRSCH

LEONARD WORTMAN

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**PROCEEDING OF THE BOARD OF COMMISSIONERS  
COUNTY OF JEFFERSON, STATE OF MONTANA  
May 4, 2010**

**Present:** Commissioners Lythgoe, Kirsch and Wortman; Matt Johnson, County Attorney; Tara Mastel and Tom Harrington, JLDC; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Colleen Teeling, Ed Betka, Barbara Sunderland

**CORRESPONDENCE**

Commissioner Lythgoe read a letter from Rocky Mountain Development Council with their budget request for the coming fiscal year. They are requesting an increase from \$42,810 to \$44,094 next fiscal year. The letter will be put in the budget file.

**CALENDAR REVIEW**

- 5/05 Solid Waste safety meeting – 8:00
- 5/06 Meeting with Beaverhead-Deer Lodge National Forest – 1:30
- 5/10 Ground-breaking for Big Boulder Housing – 11:00  
Meeting regarding HB130 – Helena – 1:30
- 5/11 Health Board – 6:30

**COMMISSION REPORTS**

**JLDC PLANNING MEETING**

Commissioner Lythgoe reported that he attended the JLDC annual planning meeting in Basin on Wednesday. The Board of Directors gathered with staff to give staff direction on priorities for the coming year.

**NORTH JEFFERSON COUNTY ZONING**

Commissioner Lythgoe reported that the Commissioners met with Harold Stepper and Ken Vivrette beginning at 8:00 a.m. on the 29<sup>th</sup> to discuss the proposed amendments to the north Jefferson County zoning regulations.

### JLDC PURCHASE OF THE SOUTH CAMPUS

Commissioner Lythgoe reported that Thursday the Commission had an emergency meeting to deal with lease agreement with JLDC on the south campus. The JLDC and the County have entered into a buy-sell agreement and were ready to close, but some issues have come up in the interim. One issue is insurance; they were supposed to be able to get insurance through MACo, but this has fallen through. The outcome of the meeting is that the lease agreement with JLDC has been extended for a period of ten years.

### SADDLE MOUNTAIN PARK

Commissioner Lythgoe reported that he had a meeting with some young people who are interested in revitalizing the Saddle Mountain Park, the only real park that Jefferson County owns. The park has a small baseball diamond, a picnic area, and a play area and was kept up at one point, but it has fallen into disrepair. There is an Eagle Scout candidate and a Girl Scout who are working on their service projects, as well as some community members that are interested in fixing up the park.

### DUI TASK FORCE

Commissioner Kirsch reported that on Tuesday he attended the DUI Task Force meeting. He stated that it was an extensive meeting; the Task Force is busy working on many projects.

## **ITEMS FOR COMMISSIONERS ACTION OR REVIEW**

### AMEND RESOLUTION 48-2009 RESOLUTION OF INTENT TO CREATE CATARACT VOLUNTEER FIRE SERVICE AREA

Commissioner Lythgoe stated that the amendment to the resolution is a change to the date of the public hearing. Language was also added to the resolution stating “*Any undeveloped land already covered by the DNRC for wild-lands fire fighting protection shall be exempt from this assessment.*”

Ed Betka, Operations Officer for the Cataract Fire Service Area, stated that the language regarding DNRC fees was added as they didn’t want anyone to be charged twice. He said that he appreciates the Commission for their help and support on this.

Commissioner Wortman asked how many landowners are involved. Ed stated that there are 238. Commissioner Wortman stated that this covers a lot of area that isn’t covered by the Basin Fire District. Ed stated that this is correct; the area was larger, but some of the area was annexed by the Basin Fire District.

Commissioner Kirsch asked if it is correct that there are two units to be used for the fire district. Ed said that they actually three and there will be a lease agreement for another four units. Commissioner Kirsch asked if they will all be dedicated for this fire service. Ed said that this is correct. Commissioner Kirsch asked what would happen if they were out on a wild lands fire; how many of the units would be available to fight a fire up High Ore. Ed stated that there would

be a minimum of three. Commission Kirsch asked if there would be crew available to man the fire. Ed stated that they are in the same predicament as any other district; they are a volunteer unit so they don't have people sitting around waiting to respond to a fire.

Commissioner Kirsch said that he could guarantee that there would be a least three units available at all times. Ed said that this is correct.

Commissioner Wortman moved to adopt the resolution. Commissioner Lythgoe seconded. The motion carried.

#### PRESENTATION OF SOUTH METAL MINES GRANT RECOMMENDATIONS

Tom Harrington presented the outcome of the review of the applications for south metal mines grant program and explained each of the projects submitted.

Tom stated that the recommendation is that the Community Development Board be granted \$2,700, the Garden Club be granted \$975 and that the Commission authorize another grant cycle in July with \$11,325 available.

A decision on the reward of the grant funds will be made at the following meeting.

#### APPOINT ELECTION AUDIT COMMITTEE

Commissioner Lythgoe stated that the names brought forward for the election audit committee are Harold Stepper, Keith Vetsch and Scott Mendenhall.

Commissioner Wortman moved to appoint those named to election audit committee.

Commissioner Kirsch seconded. The motion carried.

#### APPOINT FIRE DISTRICT TRUSTEES

Commissioner Wortman read the list of fire trustees presented by the Clerk and Recorder.

Commissioner Wortman moved to appoint the trustees as presented. Commissioner Kirsch seconded. The motion carried.

#### APPOINT ELECTION JUDGES

Commissioner Wortman read the list of election judges presented by the Clerk and Recorder and moved to appoint the election judges as presented. Commissioner Kirsch seconded. The motion carried.

#### DESIGNATE POLLING PLACES FOR PRIMARY AND GENERAL ELECTIONS

Commissioner Wortman read the list of polling places presented by the Clerk and Recorder and moved to designate the polling places as submitted by the Clerk and Recorder. Commissioner Kirsch seconded. The motion carried.

#### APPOINT BOARD MEMBER

Commissioner Wortman moved to appoint Jackie Thiel to the Library Board. Commissioner Lythgoe seconded. The motion carried.

Commissioner Lythgoe moved to appoint John Kountz, Debbie Hanneman, Dave Rieder, Sue Pullman, Debbie Rennie and Doug Salsbury to the MSTI advisory board. Commissioner Wortman seconded. Commissioner Wortman noted that John Kountz is a resident of Madison County, but he owns a considerable amount of land in Jefferson County; he asked if he would be eligible to serve on this board. He feels that John would be an excellent board member. Commissioner Lythgoe said that he thinks for the purposes of this committee it would be appropriate. Matt said that because this isn't an elected position, he doesn't see a problem.

The motion carried.

Commissioner Lythgoe moved to appoint Commissioner Wortman as liaison to advisory committee.

Commissioner Lythgoe stated that the previous Thursday he received a phone call from DEQ's attorney indicating that they would be setting up an appointment with the Commissioner, and we then received a letter from Director Oppen stating that he didn't feel there was any need to meet with us. They feel that they have met the obligation, but they are willing to meet. Commissioner Lythgoe asked if we need to respond to the letter. Matt said that we should respond; they are upset that we are speaking up at the last minute. They are alleging that we have had ample opportunity to coordinate since 2008 when they went through some scoping project. Still, as a local government entity, we need to respond that we still want coordination. This is going to have a big impact on Jefferson County landowners.

It is great that they are willing to meet with us and talk, but we still need to respond and say that until the EIS is out, we request coordination and afterwards as well. The mandates are a little stricter for the feds, but he still thinks that DEQ, because they are jointly doing this with BLM, needs to come and meet with us. This is one reason that he feels that the advisory committee needs to come together to pinpoint policy that is important. Is it the Commission's intention and the public's intention that this line, if it is to come through Jefferson County, that it stick to the public corridor. Secondary issues are health, is it healthy for this line to come through Jefferson County; additionally, is it going to effect our power rates in the long term because we are shipping all of this cheap power to California who can bid higher, meaning that we will have higher rates in the long term.

Matt stated that he feels that a response is needed. Also, because this is such a high-interest topic, if they fail to address coordination issues with us, that we seek other remedies. Commissioner Lythgoe stated that it is to him; Commissioner Wortman agreed – we need to let them know that we are a viable entity that needs to be dealt with. Matt stated that he has gotten a lot of input from the public that they are very happy that the County is pursuing coordination, but they also want to be sure that if we are going down that road that we are willing to do whatever it takes to stick up for the rights of coordination both with local and federal agencies.

Commissioner Lythgoe said that he thinks this is somewhat a housekeeping issue; a letter needs to be drafted. Matt stated that time is of the essence until they get out an EIS statement; he wants

to get a response back to them by Thursday.

Commissioner Lythgoe stated that what we need to concentrate on is that we want a place at the table, we are not the public, and we have a responsibility to be at the table before the EIS comes out. We aren't here to comment on the EIS, but to help decide what goes into the EIS.

**DISCUSS AND DECIDE ON CLARIFICATION OF RURAL MAINTENANCE DISTRICTS**

Matt provided the Commission with the documents to be amended. Changes have been made to the maintenance language as the original language was too broad. This will be on the agenda in two weeks.

Commissioner Kirsch moved to adjourn. Commissioner Wortman seconded. The motion carried.

**MEETING ADJOURNED**

**ATTEST:**

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**BONNIE RAMEY  
CLERK AND RECORDER**

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**TOMAS E. LYTHGOE, CHAIR**

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**DAVE KIRSCH, COMMISSIONER**

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**LEONARD WORTMAN, COMMISSIONER**